



UNITED STATES DEPARTMENT OF COMMERCE  
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08/256418

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/256418	07/11/94	LASKY	L 833P1

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18M1/1023

EXAMINER	
GAMBEL, P	
ART UNIT	PAPER NUMBER
1806	16

DATE MAILED: 10/23/97

Below is a communication from the EXAMINER in charge of this application  
COMMISSIONER OF PATENTS AND TRADEMARKS

#### ADVISORY ACTION

##### ☒ THE PERIOD FOR RESPONSE:

- a) ☒ is extended to run \_\_\_\_\_ or continues to run 3 MONTHS from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Appellant's response to the final rejection, filed 9/15/97 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - ☒ They raise new issues that would require further consideration and/or search. (See Note).
  - ☐ They raise the issue of new matter. (See Note).
  - ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: 112 1<sup>ST</sup> ¶: NOT ENABLED FOR "CONTRACTING C-SELECTION" BUT  
RATHER "C-SELECTION EXPRESSING C-SELECTIONS"; WHO IS "PATENT IN NEED"  
WHAT IS "PATENTED EMPLOYMENT FOR "PATENT IN NEED" SCOPE OF EMPLOYMENT  
112 2<sup>ND</sup> ¶: CLM 28 DOES NOT FURTHER LIMIT CLAIM 1

2. ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: \_\_\_\_\_  
Claims objected to: \_\_\_\_\_  
Claims rejected: 1, B-12, 46

However;

☐ Appellant's response has overcome the following rejection(s): \_\_\_\_\_

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because REASONS OF REIN  
LASKY/LOZAN/INGEN 132 DEC. 09/1995 1M1 BUT U.S. PAT 5304640 IS STILL  
BY ANOTHER OVER INSTANT INVENTION THEREFORE LASKY IS STILL 102(E) REF.

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented. ALSO BUTCHER 5538724 DOES TEACH "LONGER FORMS OF ADDRESSING..."  
IN COL. 5/PARA 2 VERSUS JUST ANTIBODIES AS ASSERTED BY APPLICANT

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☒ Other PHILLIP GAMBEL  
1806/10/4/97

Lila Feisee  
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Group 1800